

APPENDIX 5

Excerpts from Defendant's Response to Plaintiff's First Set of Interrogatories

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RESPONSE:

Defendant objects to the Interrogatory, with no time limits, in that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. There were possibly hundreds of communications on the subject of the Interrogatory. Defendant further objects to the extent that the Interrogatory seeks information protected by the attorney-client privilege. Without waiving these objections, Defendant responds as follows.

Beginning prior to 2001, APA members, Directors and Officers began to discuss the possibility of using remote internet voting in national and domicile elections in order to increase participation by the APA's widely dispersed, highly mobile and electronically adept membership. Prior to 2001, the APA's then election administrator Ray Duke spoke to AAA, the APA's incumbent election contractor, and other potential contractors, including Ballot Point, about the mechanism and also discussed the mechanism with officials of the Southwest Airlines Pilots Association, which had used electronic voting in its officer elections. Mr. Duke made a presentation to the APA Board of Directors on the subject in early 2001, and Jeffrey Zaino of AAA also made a presentation. The APA Board subsequently adopted the necessary resolutions to allow for electronic voting at its Fall 2001 Board meeting, and the AAA was selected as the election contractor to manage the electronic voting system. Remote internet voting has been used in APA domicile and national elections since 2002.